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Larry M. Weil, Planning Director  
Steven Zimmer, Senior Planner  
Lisa Sankey, Assistant Planner

West Fargo Planning and Zoning Commission  
September 8, 2011 at 7:00 P.M.  
West Fargo City Hall

Members Present: Frank Lenzmeier  
Terry Potter  
Tom McDougall  
Edward Sheeley  
Jerry Beck

Members Absent: Jason Gustofson  
Connie Carlsrud

Others Present: Larry Weil, Lisa Sankey, Dustin Scott, Loren Thoennes, Erwin Visto, Kristen Daum, Wayne Welle, Mike Thorstad, Dan Bueide, Jim Brownlee, Don Henning, Nancy Loberg, Steve Iverson

The meeting was called to order by Chair Lenzmeier.

Commissioner Potter made a motion to approve the August 8, 2011 meeting minutes as printed. Commissioner McDougall seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A11-30 Geller's 3<sup>rd</sup> Addition, a replat of Lot 1, Block 1 of Geller's 1<sup>st</sup> Addition, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property, which is located on East Main Avenue between 10<sup>th</sup> and 12<sup>th</sup> Street East, has been platted and zoned for light commercial uses for several years. In May of 2002, the use was expanded to allow for construction of a building for trailer sales on the west side of the lot and for an auto/truck sales business to relocate to the previous trailer sales building on the east side of the lot. In 2003, the property owners went through the subdivision process to split the property into two lots for the purpose of sale of one of the lots to another party, which required a subdivision replat; however, the plat was never finalized. The applicant has deeded the property to two different parties; however, the City has not recognized the transfer of more than one parcel as platted until a subdivision replat is recorded.

When the original subdivision was considered, a 10-foot front yard setback was required for the parking lots to provide green space and provide more access control for the frontage road. A portion of the property does not meet the setback requirement. When the applicant proposed recording deeds which subdivided the property into two lots, the applicant was notified of a subdivision violation and requested that a subdivision plat be submitted to legally subdivide the property. The applicant submitted an application; however, did not complete the process. With the sale of the business to another party recently, it was agreed that another application would be submitted to fulfill the City requirements.

Access to the property is designated from 12<sup>th</sup> Street East. Access to the property is not allowed from the Main Avenue Frontage Road. This was a condition of the original subdivision approval. The Preliminary Plat shows the existing lot would be subdivided into two lots with a private access easement to the rear of the lots to provide necessary access. An aerial site plan of the property being platted shows the existing buildings, parking areas and access to the properties. The property line between the two platted lots will be across an existing parking lot. No side yard setbacks are required under the zoning ordinance. The front yard setback for the parking lot is required to be 10' under previous subdivision and zoning approvals. The site plan submitted as part of the building permit for the first building showed the parking lot set back the required 10'; however, when constructed the setback was not provided.

The applicant is requesting a variance to reduce the setbacks for the parking lots from 10' to zero under a separate application which will also be reviewed by the Commission. The request follows a similar variance request east of 12<sup>th</sup> Street East which was approved by the City Commission.

The property has a solid wood fence along the entire rear side which meets the buffering requirements of the Zoning Ordinance for businesses along residential properties. The fence should be maintained by the business owners.

The area being replatted is not subject to park dedication requirements as it is fully developed.

The Preliminary Plat was sent to various departments and utility companies for review and comment. No issues have been identified. Mail delivery has been in place for a number of years to the existing businesses.

It is recommended to conditionally approve the application on the basis that the application is consistent with City plans and ordinances.

1. A drainage plan is received and approved by the City Engineer and Public Works Director.
2. Necessary easements are placed on the Final Plat.
3. Access control along Main Avenue East is placed on the Final Plat.

Applicant Loren Thoennes stated that currently the way the parking lot is placed is how they'd like to leave it. Otherwise, they'd have to remove 10' of concrete. Larry stated that this will be addressed with the next hearing for the variance.

There were no other comments from the public. The hearing was closed.

Commissioner McDougall made a motion for approval based on staff recommendations. Commissioner Becker seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A11-31 Variance to reduce front yard setbacks for a parking lot from 10' to 0 for 1175 and 1193 East Main Avenue (Lot 1, Block 1 of Geller's First Addition), City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

When the original subdivision was considered, a 10-foot front yard setback was required for the parking lots to provide green space and provide more access control for the frontage road. In September of 2003 the Board of Adjustments denied a request for variance to reduce the front yard setback requirement from 10' to zero.

The lot is now being subdivided into two lots as the City has not recognized the transfer of a portion of the property to Brenco which occurred in 2003, as the transfer was in violation to the Subdivision Ordinance. The applicant is requesting a variance to reduce the front yard setback from 10' to zero. The setback is met for the majority of the property where the Visto Trailer Sales business is located. The applicant has indicated that currently the lot is concrete and aligns with property to the east, so they would like to keep it as is.

The property to the east was granted a variance in 2009 to allow their parking lot to remain as was developed. The City had eliminated the frontage road between 12<sup>th</sup> Street East and 17<sup>th</sup> Street East to provide for more drainage retention, thereby eliminating the need for separation between parking lot and frontage road.

An aerial site plan of the property being platted shows the existing buildings, parking areas and access to the properties. The property line between the two platted lots will be across an existing parking lot. No side yard setbacks are required under the zoning ordinance. The aerial shows that the west side of the development adhered to the front yard setback. The front yard setback for the parking lot is required to be 10' under previous subdivision and zoning approvals for the Conditional Use Permit. The setback was required to ensure that there would be a separation of the frontage road from parking lots and that access to the frontage road would be prevented. The site plan submitted as part of the building permit for the first building showed the parking lot set back the required 10', however when constructed the setback was not provided.

With the Main Avenue Reconstruction project, the frontage road will be eliminated and more room provided to address drainage considerations and green space. The original purpose for requiring the front yard setback as part of the subdivision

approval is no longer valid, because of the reconstruction project and elimination of the frontage road. Access to the property is designated from 12<sup>th</sup> Street East as direct access to the Main Avenue Frontage Road is not allowed. Under the Subdivision Ordinance, where a subdivider proves that extraordinary hardship would result from the strict interpretation of this ordinance, the Planning Commission may grant a variance from the regulations.

Area property owners within 150' of the variance have been notified, and no comments have been received.

It is recommended to approve the variance on the basis that the original purpose for the subdivision setback standard is no longer appropriate with the reconstruction of Main Avenue and elimination of the frontage road.

Chair Lenzmeier asked if the setback was consistent with surrounding properties. Larry reviewed the Geller area. A portion of the Visto lot meets the setback requirements. To the east Dave's Tire requested and was granted a variance. Another property to the east does not meet the setback and is similar to Dave's. American Welding along 17<sup>th</sup> Street East meets the 10' setback requirement.

There were no comments from the public. The hearing was closed.

Commissioner McDougall stated that there were no comments/complaints from area property owners, that variances have been granted in the past for other properties in the Geller Additions and the Main Avenue Project will eliminate the frontage roads and setback issue. He made a motion for approval based on staff recommendations. Commissioner Sheeley seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A11-32 Planned Unit Development Amendment for a twin home development on Lots 3-8, Block 1 of Burlington 4<sup>th</sup> Addition and Simple Lot Split for Lot 7, Block 1 of Burlington 4<sup>th</sup> Addition City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The applicant proposes to split off 4' from Lot 7 and add it to Lot 8 to accommodate a larger twin home. The applicant also desires to have more flexibility in unit design to construct larger structures if buyers would like more space. The applicant has submitted a survey for the lot split and revised Detailed Development Plans for the project. The site plan shows the proposed building area, as well as the potential expansion area. If the expanded area was utilized structures could be within 6' of the side lot line.

The applicant has also submitted floor plans and elevation plans for the proposed structures. The plans show that the structures will all be substantially the same which will be of like character to the existing twin home constructed by the applicant to the west. The buildings are one-story twin homes without basements except for the structure to the east. All units have attached double car garages with access from Burlington Drive. Lot coverage is less than 30 percent.

Because these lots abut Interstate ROW there is a 100 ft setback as well as berming and buffering with trees to minimize the noise affect of Interstate traffic. Some of the trees on the berm have died and the grass not seeded, so erosion has been taking place. The developer will be required to repair the berm, install new trees for those that have died, and seed grass on the berm according to the originally approved plans. The proposed development meets the Interstate setback requirements. Front yard setbacks are 25'. Side yard setbacks for the structures next to the single family dwellings are 7', and side yard setbacks between the twin home structures within the PUD could range from 6' to 14' depending on the size of the structure constructed.

The Detailed Development Plans consist of site, elevation and floor plans. Floor plans show the units with 2 bedrooms, 2 bathrooms, kitchen, living/dining area, and sunroom. Elevation plans show horizontal siding with shakes/siding above the doors/garage doors.

Notices and maps were sent out to area property owners, utility companies and City Departments. No issues have been identified. The applicant/developer previously signed a developer's agreement which provided for site improvements and landscaping for the properties including the boulevard and berm areas. The previously agreed to provisions would continue for the development.

It is recommended to approve the application on the basis that it is consistent with the City's Comprehensive Plan and City ordinances, as well as being in character and compatible with the existing twin home structure and single family homes in the Burlington development.

There were no comments from the public. The hearing was closed.

Commissioner McDougall asked for clarification on the lot split. Larry reviewed the survey.

Commissioner Sheeley asked if there needed to be an additional condition regarding the berm and plantings. Larry stated no as it's addressed in the developer's agreement.

Commissioner Sheeley made a motion for approval based on staff recommendations. Commissioner McDougall seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A11-33 North Pond at the Preserve 1<sup>st</sup> Addition, Subdivision & Rezoning from A: Agricultural to C: Light Commercial property located in the NE¼ of Section 20, T139N, R49W, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is located between Veteran's Boulevard and the Sheyenne River and 26<sup>th</sup> Avenue East and Interstate 94. The Developer proposes platting a portion of a larger tract and zoning the parcels to C: Light Commercial. The proposed rezoning is consistent with the City's Land Use Plan, which depicts the area developing as General Commercial. The proposed retail uses are consistent with City Plans and Ordinances.

The developer has submitted an application, Area Plan and Preliminary Plat. The Developer proposes platting and rezoning property for retail development. The Land Use Plan of the City's Comprehensive Plan depicts the area as General Commercial and provides for uses with regional impact. The Transportation Plan shows 23<sup>rd</sup> Avenue E as a possible future collector street. Additional possible future collectors identified are 26<sup>th</sup> Avenue E, 4<sup>th</sup> Street E, and 31<sup>st</sup> Avenue E. Based on the developer's Area Plan, the City has established 26<sup>th</sup> Avenue E and 4<sup>th</sup> Street E as the collector street links for Section 20.

The subdivision is proposed with a total of 12 lots divided into 4 blocks. All lots meet the minimum standard for lot size. Access to this area was predetermined as part of the Veterans Blvd. construction which only allows 3 full accesses between the Interstate 94 interchange and 32<sup>nd</sup> Ave E. This access is located at 23<sup>rd</sup> Ave E. The plat shows R-O-W widths of 110' for the first two blocks of 23<sup>rd</sup> Ave E which exceeds the requirement of the city for commercial areas on a local roadway. This ROW may be needed to accommodate the amount of traffic that may be generated by concentrated commercial areas. The developer is in favor this dedication. 22<sup>nd</sup> Ave E, 7<sup>th</sup> St E, and the remaining 23<sup>rd</sup> Ave E ROW's are shown as 80', which meets the city's minimum standard. 8<sup>th</sup> St E is shown at 70', which does not meet the minimum standard and must be increased to 80'. Access control will need to be placed on the plat for properties along Veteran's Boulevard and for properties close to street intersections.

Lots 1 & 2, Block 2 are within the CO-I: Interstate Corridor Overlay District which dictates setbacks and building materials allowed as well as requires Planning & Zoning and City Commission review and approval of building and site plans. Lots 1-3, Block 3 and Lot 2, Block 2 are within the CO: Corridor Overlay district which dictates setbacks and building materials allowed along the Veterans Blvd corridor.

Park dedication is required with the subdivision plat. The Park District was notified and has 30 days to provide recommendations for dedication of land or cash-in-lieu of land dedication. Sewer and water services have not been extended yet. A special improvement district will need to be established to provide for the needed services. The developer's agreement will provide for the improvements.

A drainage plan is required for the subdivision which will be reviewed and approved by the City Engineer. A subdivision landscape plan should be received for properties along Veteran's Boulevard and for boulevard trees for all commercial properties within the development. The developer needs to work with the U.S. Postal Service to develop a mail delivery plan for the development.

Notices were sent out to City departments, SE Cass Water Resource District, utility companies and neighboring property owners. No issues have been identified from the comments received. A comment was received from Minnkota Power stating that they would require any building to be outside of their power line easement that extends 40' into the lots along Veterans Blvd. This is not an issue due to the fact that the CO district requires a 45' setback.

Staff recommends approval with the following conditions:

1. An Attorney Title Opinion is received.
2. A certificate is received showing that taxes are current.
3. A drainage plan is received and approved by the City Engineer.
4. Any necessary easements are placed on the Final Plat.
5. A landscape plan is received.
6. A mail delivery plan is developed for review by the Post Office.
7. A subdivision improvement agreement is received from the developer.
8. A park dedication agreement is received.

Chair Lenzmeier asked about the mail delivery plan and if Public Works had any input. Larry stated that typically the developer works with the Post Office to determine delivery method. If CBU's, then engineering works with the developer and public works to identify locations.

Developer Dan Bueide indicated he's available to answer any questions. He indicated that he was pleased to announce that they just signed a binding purchase agreement for the 18 acre site with Costco today.

There were no other comments from the public. The hearing was closed.

Commissioner Potter asked if a condition should be added to the recommendations that 8<sup>th</sup> Street East r-o-w be increased to 80'. Mr. Bueide stated that they're showing how it might look. They want to have some flexibility, though have no objection to the increased r-o-w requirement. The Costco plat may change in terms of streets or eliminating other lots. He stated that they'll also have to choose a utility corridor.

Commissioner McDougall asked if the 45' setback along the Veteran's Boulevard Corridor is for buildings or parking lots. Larry stated that it's for buildings. The setback for parking lots is 20'.

Commissioner Becker made a motion for approval based on staff recommendations 1-8 and an additional condition that 8<sup>th</sup> Street East r-o-w be increased from 70' to 80'. Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A11-34 Henning First Addition, Subdivision & Rezoning from A: Agricultural to R-1E: Rural Estate District, property in the E½ of Section 19, T139N, R49W, City of West Fargo and Cass County, North Dakota.

Larry reviewed the following information from the staff report:

The property being platted is located south of I-94 and east of Sheyenne Street. The purpose for subdividing the property is to adjust the property line to depict how the property has been used by the current owners. A minor subdivision is required as the property is unplatted so it does not meet the qualification for a simple lot split. The proposed subdivision is consistent with City plans and ordinances.

The applicant has submitted a preliminary plat showing one lot, as well as an area plan. The owner of the parcel to the north (Loberg) has agreed to split off .28 acres from their property to the north and transfer it to the owner of the south property (Henning). The land is currently being utilized by Henning, who originally believed it was under his ownership, and this subdivision will allow the use and ownership to be under the same name. Currently an accessory building and part of an improved basketball pad are impacted by the property line.

The area being added to Lot 1 is currently outside of the city limits. This subdivision plat is also being utilized as an annexation plat to bring the entire lot into city limits. A letter requesting that the property be annexed is forthcoming. The applicant is requesting that the property be rezoned to R-1E: Rural Estate District which will be better suited for the property

as developed. An existing storage building to the northeast side of the property would meet the side yard setback requirements for the R-1E District.

It appears that 120' of right-of-way is in place along Sheyenne Street (Cass County Highway #17). We have asked Cass County to verify if this is correct. The City has determined previously that a total of 150' of right-of-way is required along the entire corridor, so as areas are platted an additional 15' are required along each side of the road. If adequate right-of-way is not in place, the applicant will be requested to include it prior to City Commission consideration. The proposed subdivision property is already developed, so no park dedication is required.

Notices have been sent out to City Departments, Park District, Cass County, SE Cass Water Resource District, Post Office and Utility Companies for review. No issues have been identified.

It is recommended to conditionally approve the application on the basis that it is consistent with City plans and ordinances. The conditions of approval are as follows:

1. An attorney title opinion is received.
2. A certificate is received showing that taxes are current.
3. Necessary easements are placed on the Final Plat.
4. A drainage plan is received and approved by the City Engineer.
5. Additional right-of-way is received if necessary.

Nancy Loberg indicated that the land has always belonged to the Hennings; however, with the land survey, it appears the line had shifted.

There were no other comments from the public. The hearing was closed.

Commissioner McDougall asked for clarification on the annexation. Larry indicated it's only a small sliver being annexed. The Henning property is already in the City limits.

Commissioner McDougall made a motion for approval based on staff recommendations. Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A11-35 Oak Ridge 2<sup>nd</sup> Addition, Subdivision, Rezoning from A: Agricultural to PUD: Planned Unit Development and Land Use Plan Amendment from General Commercial to High Density Residential for Property in the NE ¼ of Section, 29, T139N, R49W, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property is located east of 4<sup>th</sup> Street East and south of 32<sup>nd</sup> Avenue East. The area was annexed into the City in 2005. The Developer proposes platting a portion of a larger tract and zoning the parcel PUD: Planned Unit Development for a mixed use development. The proposed development is not consistent with the City's Land Use Plan which shows this land as future commercial use.

The developer has submitted an application, Area Plan and Preliminary Plat for a 6-acre mixed use development along 32<sup>nd</sup> Avenue East for retail commercial and apartments. Last month an application for multiple family development was denied by the Planning & Zoning and City Commissions. The developer is now proposing a mixed use development with retail commercial proposed along 32<sup>nd</sup> Avenue and apartments to the south.

The Preliminary Plat consists of 3 lots. Lot 1 (98,100 ft<sup>2</sup>) along 32nd Ave E is proposed to be developed as office/retail space. Lots 2 (72,291 ft<sup>2</sup>) & 3 (68,704 ft<sup>2</sup>) are proposed to be developed as high density residential with one 36 unit apartment building on each lot. The parcel is located on 32nd Avenue East and 4th Street East. Access is proposed via 4th Street east as 32nd Avenue is classified as a Minor Arterial Street with limited access. 4th St E is classified as a collector roadway. Spacing of connections to collector streets and roadways in developing areas is 300' with a minimum spacing of 150'. This access is proposed at 340'.

The City's Land Use Plan depicts the area along 32<sup>nd</sup> Avenue East from 4<sup>th</sup> Street East to Veteran's Boulevard developing as

General Commercial. Low Density Residential is shown south of the proposed plat area and the Shadow Wood development. Medium Density Residential is shown to the west on property owned by a church. The proposed subdivision would require a Land Use Plan amendment to change the land use from General Commercial to High Density Residential.

The City's Comprehensive Plan promotes strengthening the tax base through development of more commercial uses south of I-94 conforming to the Land Use Plan. Also, the Comprehensive Plan promotes a limited amount of convenience commercial within residential areas south of I-94 which should be sited along collector streets and have strict design considerations to integrate well within the residential areas. The corner of 4<sup>th</sup> Street and 32<sup>nd</sup> Avenue presents a good location for convenience commercial as the location would serve significant residential developments north and south of 32<sup>nd</sup> Avenue.

The Comprehensive Plan promotes a diversity of multiple family residential units including townhouses, condominiums, and low and higher density rental properties to be evaluated by each section of land to ensure an equitable distribution throughout the growth area. Single family units are to account for 60-70% of all residential units, and multiple family units are to account for 30-40% of all residential units. A minimum of 20% of the multiple family units are to be of the medium density type. The Land Use plan was developed using maximum dwelling units per acre allowed by the 2005 Comprehensive Plan to determine the total area (in acres) that were to be designated low density and medium to high density residential.

Currently Shadow Wood 3<sup>rd</sup> Addition is developing as a high density residential development in the area designated as such in the 2008 comp plan. This lot is 17.3 acres and due to a change in total units/acre from 20 units/acre (2005 comp plan) to 24 units/acre (2008 comp plan) the total units this development can have is 415, which takes up all of the high density units for the section.

The Area Plan submitted by the developer shows where the proposed subdivision is located with reference to the developer's larger tract, as well as the surrounding properties/developments which are under separate ownership. East of the proposed subdivision is a commercial office area which is being developed by The Village; south is an area designated for Low Density Residential which borders the Shadow Wood development; west across 4<sup>th</sup> Street East is Prairie Heights Community Church; and north across 32<sup>nd</sup> Avenue East is a smaller lot, single family development (R-1SM) in South Pond at the Preserve and property zoned R-3 for apartments.

A drainage plan is required for the subdivision. Storm water retention requirements for the subdivision area are included within the regional storm retention for Section 29. Park dedication is required for the development. The required amount of park dedication is 10% of the gross area for residential use and 5% for commercial use. Sewer and water services have not been extended to the property yet. Sewer services will need to be extended from the lift station to the south. Water services should be available when the property develops. All subdivisions developed south of I-94 which benefit from the major sewer extension services installed through City financing are required to pay a utility hookup fee. Arrangements for payment need to be made prior to the subdivision plat being recorded.

Notices were sent to area property owners. The City also provided the proposed development plans to City departments, Park District, Cass County Planning, Post Office, SE Cass Water Resource District, and utility companies. The Park District has 30 days to make a recommendation whether to accept land dedication or cash-in-lieu of land dedication. The Park District likely will not have a recommendation prior to the Planning and Zoning Commission meeting.

It is recommended that the proposed subdivision plat, land use plan amendment and rezoning request be denied on the basis that the request is not consistent with the City's Comprehensive Plan.

Applicant Steve Iverson distributed maps of their land use plan amendment proposal, which he felt was consistent with the Comprehensive Plan and Land Use Plan. He referred to Page 1 of the Comprehensive Plan, which states as an objective, "To provide for the flexibility in the development of land uses while maintaining compatibility of uses and sound, orderly development patterns".

Larry indicated the Land Use Plan he was referring to was from the 2005 Comprehensive Plan which showed alternative land uses. The 2008 Comp plan doesn't. Mr. Iverson stated that it didn't matter; they're still proposing 16 units per acre, 72 units, so it's consistent and similar and in their view an acceptable transition with the single family to the south. He also referred to Maple Ridge and South Pond at the Preserve developments. They weren't consistent either and were allowed to have land use plan amendments. He stated that with their proposal, they'd still be under the 40% multiple dwelling allotment. Shadow

Creek 2<sup>nd</sup>'s land use plan amendment from Medium Density to Low Density helps as well. He stated that there's still 23 acres available for commercial development at the corner of 32<sup>nd</sup> Avenue & Veteran's Boulevard. Eagle Run Plaza has 18.5 acres and it's very difficult to maintain businesses there.

There were no other public comments. The hearing was closed.

Larry stated that with the section to the north, the comp plan showed multiple family along the northwest corner, however, the developer switched the commercial to the I-94 corridor and moved the multiple family to the east side.

Commissioner Sheeley asked about the 415 total high density units allowed in this section. Larry stated that as far as multiple family in this section, the high density multiple dwelling area is in Shadow Wood 3<sup>rd</sup> Addition. As far as the Shadow Creek 2<sup>nd</sup> Land Use Plan Amendment to Low Density Residential there may be an argument for more medium density residential, but not high. Medium Density allows for 8 units max, 12 with unique design.

Mr. Iverson stated that it's impossible to finance 8-12 unit structures and there's not that great of a market for owner occupied ones. The reality is there's a demand for high density.

Commissioner McDougall asked for clarification on the other high density residential in this section. Larry stated along 36<sup>th</sup> Avenue and Veteran's Boulevard. Not all the units are constructed yet.

Chair Lenzmeier stated that at the last meeting there was discussion about the importance of commercial and whether something similar to the Skaff property on 17<sup>th</sup> Avenue would work for this development. Mr. Iverson stated that the per unit cost would be too much. He referred to Eagle Run Plaza as being bleak. He stated that their group is not interested in doing something similar to the Skaff property, plus it's tough to finance. Chair Lenzmeier asked if something like that would be acceptable under the comp plan. Mr. Iverson stated that a good example of a mixed use facility would be Urban Plains. It just didn't work out. People like the convenience of their cars. The area around NDSU works well because of the number of students who don't have vehicles.

Chair Lenzmeier stated that the Planning and Zoning Commission is stuck as they have to follow the rules. If the proposal is saleable, palatable to the City Commission, then they could approve it at their level. Mr. Iverson stated that they didn't protest 4<sup>th</sup> Street East as the neighbors to the south needed it; however, the specials are coming due and they need to develop this property to offset expenses. They feel stuck, too.

Commissioner Beck stated that he can see both sides; however, they're not in a position to approve the request.

Commissioner McDougall made a motion to deny the request based on staff recommendations. Commissioner Sheeley seconded the motion. Commissioners Lenzmeier, Sheeley, McDougall and Beck voted aye. Commissioner Potter abstained from voting. Motion carried 4-0.

Discussion was held regarding the Comprehensive Plan. Larry stated that the Land Use Plan can be amended, it's not set in stone; however, the Community all along has indicated they don't want a community made up of 50% multiple family. West Fargo is similar to Moorhead and national statistics. He stated that a good portion of this area is not developed yet, so we need to be conservative and keep evaluating as development occurs.

Commissioner McDougall made a motion to adjourn. Meeting adjourned.